

EXHIBIT 3

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA,
NORTHERN DIVISION**

**HAZEL M. ROBY, as Administratrix of
the Estate of RONALD TYRONE
ROBY, Deceased,**

Plaintiff,

v.

BENTON EXPRESS, INC., et al,

Defendants.

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CIVIL ACTION NO.: 2:05CV494-T

AFFIDAVIT OF GREGORY A. BROCKWELL

Personally appeared before me, the undersigned authority, a Notary Public in and for said County and State, Gregory A. Brockwell, who being by me, first duly sworn, did depose and say on oath as follows:

1. My name is Greg Brockwell. I am over the age of nineteen (19) years and have personal knowledge of the facts contained within this affidavit.
2. I am counsel of record for Defendant Benton Express, Inc., in this matter.
3. From reviewing the bank records of Craig Stephens, I have been able to determine that he made withdrawals at ATMs in the following locations during the period of April 9 to April 11, 2005:

- Chapel Square, Decatur, Georgia
- 2501 Columbia Drive, Decatur, Georgia
- 2425 Columbia Drive, Decatur, Georgia (Columbia Chevron)
- 2381 Columbia Drive, Decatur, Georgia (Faith Business, Inc.)
- 2645 Wesley Chapel Road, Decatur, Georgia
- 3230 Panthersville Road, Decatur, Georgia

4. I have not located the "Chapel Square" ATM location. However, I have personally visited the other 5 ATM locations and discovered that all of these 5 ATMs are located inside gas station convenience stores.

5. I also discovered that at least some of the gas station convenience stores where the ATM withdrawals were made also contain video gambling machines.

Further affiant sayeth not.



GREGORY A. BROCKWELL

STATE OF ALABAMA)

COUNTY OF Jefferson)

Sworn to and subscribed before me this the 16th day of December, 2005.



Notary Public

11/10

My Commission Expires